

Docket No: 33546-01
PatentIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Aven
Serial No.: 09/491,708 Examiner: Alton Pryor
Filed: January 26, 2000 Art Unit: 1616
For: NON-AQUEOUS, EMULSIFIABLE CONCENTRATE
FORMULATION

1616
Alton Pryor
11/29/01

Assistant Commissioner for Patents
Washington, DC 20231

November 14, 2001

Dear Sir:

Amendment under 37 CFR 1.111 and 1.115

This is in response to the Office Action mailed July 17, 2001 in this application. A petition for a 1-month extension of the period for response is being filed concurrently.

Kindly amend the application as follows:

IN THE CLAIMS

Cancel claims 4, 5, 9, 10, 13 and 14 without prejudice as being drawn to a non-elected invention.

Remarks

Favorable reconsideration of this application in view of the amendments to the claims and the remarks below is respectfully requested.

Claims 4, 5, 9, 10, 13 and 14 have been cancelled as being drawn to a non-elected invention. Applicants reserve the right to prosecute the subject matter of the non-cancelled claims in a continuing or divisional application.

Claims 1-3, 6-8, 11, 12, and 15-17 are rejected under 35 USC 103(a) as being unpatentable over Valcke et al. The basis of the rejection is that Valcke et al teaches an emulsifiable concentrate containing some of the components of the instant claimed composition and thus suggests the non aqueous emulsifiable concentrate of the instant invention because the instant carbon chain length of